

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

DONNA CAROL LANDEL, Administrator, etc.,

Plaintiff,

v.

SMYTH COUNTY COMMUNITY HOSPITAL, et al.,

Defendants.

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**Civil Action No. 7:15-CV-164
Judge Conrad**

RESPONSE AND REPORT OF GUARDIAN AD LITEM

COMES NOW, Stephanie Pitsenberger Cook, having been appointed Guardian *ad litem* (herein “GAL”) for the minor, MGF, and responds to the petition and reports as follows:

1. The GAL has fully investigated this matter. I have reviewed all of the pleadings and the settlement agreement; met with MGF and her father, Bryan Fitcho; and spoken to Donna Carol Landel, Administrator of the Estate of Kolby Krystyna DeBord.

2. It appears that the facts alleged in the petition are correct.

3. On May 3, 2016, I met with the minor, MGF and her father, Bryan Fitcho. I reviewed the pleadings as filed and the legal rights associated with such action. During this meeting, we discussed the terms of the settlement agreement and the structured settlement that will be established following this hearing. I further explained that while these funds are available to assist with MGF’s care, they are not to be used for the purpose of providing for her basic needs without evidence that her parent or guardian cannot provide for her.

Mr. Fitcho stated that he is able to provide for the well-being of his daughter with the income that he earns and the social security death benefits that his daughter receives as the

surviving child of Kolby Krystyna DeBord. Mr. Fitcho confirmed that his daughter receives \$212.00 a month in Social Security Income and that he is the Representative Payee for this income.

RECOMMENDATIONS

It is the opinion of the undersigned that the settlement agreement entered into between the parties is in the best interest of the minor, MGF, and should be approved.

MGF is an infant of tender years and is incapable of understanding or defending her rights in this matter.

Therefore, MGF commits herself and her interest to the protection of the Court and asks that no order be entered to her prejudice.

MGF

s/ Stephanie Pitsenberger Cook
Guardian Ad Litem
P.O. Box 311
Roanoke, VA 24004
(540) 266-7575; Fax: (540) 266-7886
VA Bar No.: 48188
stephanie@spcooklaw.com